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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,753	11/16/2001	Heeloo Chung	3981-26	3370
27683	7590	03/08/2006	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202				FERRIS, DERRICK W
		ART UNIT		PAPER NUMBER
		2663		

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/990,753	CHUNG ET AL.
	Examiner	Art Unit
	Derrick W. Ferris	2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7,11,12,14-17,19-27,29-38 and 41-44 is/are rejected.
- 7) Claim(s) 8-10,13,18,28,39 and 40 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 1/23/2006. These drawings are accepted.

### ***Affidavit***

2. The declaration under 37 C.F.R. 1.131 filed on 1/23/2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the *Wynee et al.* and *Tran* references.
3. The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the *Wynee et al* reference. First, with respect to item 4 of applicant's declaration, in the discussion of Exhibit A, applicant states that they were one of the authors of the Cougar ASIC Design Specification. However, it is not clear *which part* of Exhibit A Heeloo Chung authored since only part of Exhibit A comes from the design specification (i.e., no factual evidence was provided). Furthermore, it is not clear who the other authors of both the Cougar ASIC Design Specification and Exhibit A are and in particular what contribution was made by Eugene Lee, the other co-inventor (i.e., no factual evidence was provided). Second, with respect to item 4 of applicant's declaration, it is unclear from Exhibit A what subject matter was placed in the specification prior to July 18, 2001 and in particular whether the claimed subject matter was placed in the specification prior to July 18, 2001 (i.e., no factual evidence was provided). In addition, none of the figures provided in Exhibit A match those figures provided in the filed specification suggesting that the claimed subject matter was not provided in the specification. Third, applicant failed to provide any proof (i.e., factual evidence) that the claimed subject matter was placed in the specification prior to July 18, 2001. In particular, Exhibits B and C

provide no evidence of what claimed subject matter was placed in the specification prior to July 18, 2001. In particular, Exhibits B and C make no reference to Exhibit A for which applicant relies on as evidence as factual support for their claimed invention. Instead, Exhibits B and C provide a status update for the Counger ASIC which may or may not include the claimed invention (i.e., no factual evidence was provided in the Exhibit for the claimed invention). Finally, with respect to items 5 and 6 of applicant's declaration and Exhibit A, it is unclear where the claimed subject matter is supported in the Exhibits. In particular, the examiner found no evidence that Exhibit A teaches at least an input for receiving packets of data, *each packet associated with an output queue* or equivalent. Specifically, section 3.2 on page 3 does not teach that each packet is associated with an output queue. In addition, the examiner found no evidence that Exhibit A teaches at least an intermediate storage facility manager configured to assign particular blocks of the intermediate storage facility *to output queues, and store one or more packets associated with output queues into blocks assigned to those output queues* or equivalent for the same reason as mentioned above. In conclusion, the rejections are maintained since not enough factual evidence was provided in the declaration.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4, 6, 7, 11, 15-17, 19, 22-27, 29, 32-38, 41, and 42** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application 2003/0016686 A1 to *Wynee et al.* (“*Wynee*”).

As to **claim 1**, see e.g., figure 2b where the input for receiving packets of data, each packet associated with an output queue is taught e.g., as the protocol processor 20. Specifically, the protocol processor 20 segments the received packet(s) on bus 12a into cells and then stores the sequence of cells in internal memory using traffic manager 22. The packet is associated with an output queue based on the flow ID of the packet which reflects the VOQ of the packet. An intermediate storage facility having a plurality of blocks is taught as cell memory 32, see e.g., figure 32. An intermediate storage facility manager is taught e.g., as traffic manager 22 or as data path controller 30 and queuing system 36. As such, traffic manager 22 or data path controller 30 and queuing system 36 are configured to assign particular blocks of the intermediate storage facility to output queues, and store one or more packets associated with output queues into the blocks assigned to those output queues. In particular, cells are stored in blocks and given a BLOCK\_ID.

As to **claim 2**, the pointer repository is taught as the queue used to store the BLOCK\_IDs (i.e., pointers). A trunk manager is taught e.g., as also data path controller 30 and queuing system 36 where the trunk is the packet flow.

As to **claim 3**, packets are broken down into one or more cells, these cells are stored in blocks in cell memory 32 and then outputted to a common output port corresponding to a VOQ.

As to **claim 4**, the cells are stored prior to entering the traffic manager 22, see e.g., paragraphs 0036-0038 on page 3.

As to **claim 6**, see e.g., paragraph 0037 on page 3.

As to **claim 7**, the second storage facility is the traffic manager for the output port, see e.g., figure 2b with respect to figure 3. The intermediate storage manager is traffic manager 26 or data path controller 30 and queuing system 36. A command is the LOAD command as taught by the reference.

As to **claim 11**, the output queue manager is the traffic manager 26 or data path controller 30 and queuing system 36

As to **claim 15**, see similar rejection to claim 1. In particular, since the traffic manager 22 or data path controller 30 and queuing system 36 are configured to assign particular blocks, they are configured to sort the data packets into groups, see e.g., paragraph 0042 on page 4.

As to **claim 16**, see similar rejection to claim 3.

As to **claim 17**, the block storage memory is cell memory 32 and the block storage memory manager coupled to the buffer memory manager is data path controller 30.

As to **claim 19**, the second block storage memory is output queues 37 shown e.g., in figure 3 which is coupled to the data path controller (i.e., buffer memory manager).

As to **claim 22**, each cell is stored in internal memory, see e.g., paragraph 0035 before being sent to the traffic manager.

As to **claim 23**, see e.g., figures 2a and 2b where the protocol processors 20 and 28 are the packet processors coupled to one or more of the input ports and output ports.

As to **claim 24**, see similar rejection to claim 1. In addition, note that the switch fabric is cross-point switch 16 shown e.g., in figure 1. Also note that the routing controller 18 is responsible for a scheduler configured to direct the packet buffer memory to output the groups through the switch fabric, see e.g., paragraph 0035 on page 3.

As to **claim 25**, see similar rejection to claim 16.

As to **claim 26**, see similar rejection to claim 17.

As to **claim 27**, see e.g., see e.g., figure 3 where the command is the read/write command.

As to **claim 29**, see similar rejection to claim 19.

As to **claim 32**, see similar rejection to claim 24.

As to **claim 33**, see similar rejection to claim 3.

As to **claim 34**, see similar rejection to claim 17.

As to **claim 35**, see similar rejection to claim 1.

As to **claim 36**, the list of blocks are stored by the queuing system 36, see e.g., figure 4.

As to **claim 37**, the predetermined group is based on the flow ID (i.e., FIN). As such, the data path controller 30 also reads from the memory device or cell memory 32.

As to **claim 38**, see similar rejection to claim 7.

As to **claim 41**, each flow is related by a block ID.

As to **claim 42**, the added pointers are the block ID values, see e.g., paragraph 0044 on page 4.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 5, 12, 14, 20, 30, 43 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2003/0016686 A1 to *Wynee et al.* ("Wynee") in view of U.S. Patent Application No. 2003/0084246 A1 to *Tran et al.* ("Tran").

As such to **claim 5**, *Wynee* discloses limitations in the base claim.

*Wynee* is silent or deficient to the further limitation us using a SRAM circuit.

*Tran* teaches the further recited limitation above at e.g., figure 3 with respect to buffer memory 31.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Wynee* by clarifying that the cell memory 32 is the a SRAM circuit.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be because SRAM circuits are inexpensive. In particular, *Tran* cures the above-cited deficiency by providing a motivation found at e.g., paragraph 0006 on page 1. Second, there would be

a reasonable expectation of success since both references teach storing cells (see e.g., paragraph 0028 on page 2 of *Tran*. Thus the references either in singular or in combination teach the above claim limitation(s).

As to **claims 12**, see similar rejection to claim 5.

As to **claims 14**, see similar rejection to claim 5. In addition see e.g., figure 3 of *Tran* with respect to output SDRAM controller e.g., as state machine 40.

As to **claims 20**, see similar rejection to claim 5.

As to **claim 30**, see similar rejection to claim 5.

As to **claim 43**, see similar rejection to claim 5.

As to **claim 44**, the limitation is met since when the cell is ready to be sent it is stored in cell memory such that the amount of data stored in the blocks of the memory device is equal to a threshold.

8. **Claims 21 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2003/0016686 A1 to *Wynee et al.* (“*Wynee*”) in view of “Data and Computer Communications” to *William Stallings* (“*Stallings*”).

As such to **claim 21**, *Wynee* discloses limitations in the base claim.

*Wynee* is silent or deficient to the further limitation of the Internet. In particular, *Wynee* teaches the transmission of packets.

*Stallings* teaches the further recited limitation above at page pages 28-29 since packets are known to traverse the Internet.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Wynee* by clarifying that packets are transmitted over a network where the network is the Internet.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to allow different parties to communicate with one another over a known network such as the Internet. In particular, *Tran* cures the above-cited deficiency by providing a motivation found at e.g., page 28 since a known set of networks is the Internet.

As to **claim 31**, see similar rejection to claim 21.

#### *Allowable Subject Matter*

9. **Claims 8-10, 13, 18, 28, 39, and 40** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris  
Examiner  
Art Unit 2663

  
DWF

  
3/2/06  
**DERRICK FERRIS**  
**PATENT EXAMINER**